

*Malyga V.A.,  
Candidate of Law Sciences,  
Associate Professor, Head of Theory and History  
of State and Law Department,  
Donetsk National University*

## PLANNING AS A LEGAL FORM OF PROVIDING TRAINING REGULATIONS

The article is devoted to clarifying the purpose, content, basic principles and functions of planning drafting regulatory acts in the field of management.

Planning, like any activity, the system has its own objectives, the achievement of which it is directed. These include, in particular, the formation of an integrated, harmonious, coherent system of regulations, regulatory coordination of all regulatory bodies, ensuring the widest possible public to discuss the draft prepared by regulations ensure consistency of preparation, consideration and adoption of regulations, the creation of scientifically based regulations.

Among the principles of planning of project preparation should be made to RA unity as plans of each regulator creates a single system aimed, ultimately, at the effective implementation of the State Regulatory Policy. This unity is provided, including the presence of a clearly stated purpose State Regulatory Policy. In addition, continuous planning of project preparation regulations provided that the regulatory authorities approve such plans every year, but can make changes and additions in the event of such need. Flexibility as a principle of planning provides the opportunity for adjustments established parameters based on the transformation of the circumstances. It is on this principle and built mechanism

amendments and supplements to the relevant regulatory activity plans.

It is important from the perspective of State Regulatory Policy set and content planning as one of the important mechanisms State Regulatory Policy. It should indicate that it is planning allows regulators to assess the current state regulation of certain economic relations, to find gaps, inconsistencies and other weaknesses, assess their scope and importance both for the state and for individuals and entities to determine the appropriate response.

The most important functions of planning of project preparation regulations should include scaling, the establishment of the regulatory impact of the depth, scope and areas in need, establishing the basic principles of regulatory impact, control functions which will filter out during the approval of the plan ineffective, inappropriate actions (set out in the draft regulations), the estimated scheduling that allows you to graphically set the value of certain needs (in business) and the resources needed to meet them, singling the dimension of necessity and possibility of the use of certain of legal regulation of economic relations, the function of motivating certain decisions (clear understanding of the motives of certain RA project preparation allows them to evaluate the necessity and appropriateness).

In general, systematic approach to the planning of the project preparation RA will form a clear idea of the content of the legal form and its crucial for effective implementation of State Regulatory Policy.

*Malskyy M.M.,  
Ph.D. student, lawyer*

## PRINCIPLES OF ENFORCEMENT PROCESS AND THEIR ANALYSIS THROUGH THE ESSENCE OF EUROPEAN COURT OF HUMAN RIGHTS PRACTICE

This article is devoted to the analysis of the principles of enforcement process in the national legal doctrine and to the distinguishing of the main principles of enforcement process in Ukraine. The article contains an overlook of the studies devoted to the principles of enforcement process as well as own analysis of such principles.

As the harmonization of law enforcement practice with requirements established by the Convention for the Protection of Human Rights and Fundamental Freedoms is one of the main aims of the national legal policy the analysis of essence of each principle of enforcement process should be conducted with respect to the practice of European court of human rights. The compliance of enforcement process with the main principles of Convention established in the practice of European court of human rights will also assure conformity of main rights and freedoms of all entities involved in the enforcement process.

As a result of the conducted research principles of enforcement process were classified in general (constitutional) principles and special (branch) principles.

General principles of enforcement process have been determined such as: rule of law; legality; right of defense and humanism.

Branch principles of enforcement process have been determined such as: mandatory requirements of the state bailiff service; principle of legal certainty; timely execution of writs; sufficiently clear indication of the scope of discretion conferred on the state bailiff service; right to challenge the legality of bailiff service officials' actions; inadmissibility of imprisonment on the basis of inability to fulfill a contractual obligation and the inviolability of a minimum property necessary for the existence of a debtor-citizen and his/her family.

It is important to outline that the consolidation of main branch principles of enforcement process, their analysis through the essence of European Court of Human Rights practice and legal stipulation should be conducted in order to align national enforcement process with provision of Convention for the Protection of Human Rights and Fundamental Freedoms.